

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

## **Decision by Court.**

This action came before Senior United States District Judge W. Earl Britt for the consideration of the defendants' motion to dismiss and plaintiff's motion to remand.

**IT IS ORDERED, ADJUDGED AND DECREED** that Defendant's motion to dismiss is ALLOWED IN PART and DENIED WITHOUT PREJUDICE IN PART. Plaintiff's second claim for relief is DISMISSED. As to plaintiff's remaining claims, plaintiff's motion to remand is ALLOWED, and this case is hereby REMANDED to the Superior Court for New Hanover County, North Carolina. The Clerk is DIRECTED to send a copy of this order to the Clerk of that court and to close this case.

**This judgment filed and entered on January 30, 2013, and served on:**

Steven C. Lawrence (via CM/ECF Notice of Electronic Filing)  
Pearlynn G. Houck (via CM/ECF Notice of Electronic Filing)  
Stephen M. Cox (via CM/ECF Notice of Electronic Filing)

January 30, 2013

/s/ Julie A. Richards,  
Clerk of Court